

Panaji, 11th May, 2017 (Vaisakha 21, 1939)

SERIES II No. 6

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are four Extraordinary issues to the Official Gazette, Series II No. 5 dated 04-05-2017 as follows:—

- (1) Extraordinary dated 04-05-2017 from pages 137 to 138 regarding Order from Department of Finance & Notice of Election and Public Notice.
- (2) Extraordinary (No. 2) dated 05-05-2017 from pages 139 to 140 regarding Notifications from Department of Elections & Department of Public Health.
- (3) Extraordinary (No. 3) dated 06-05-2017 from pages 141 to 826 regarding Notifications from Department of Panchayati Raj & Community Development.
- (4) Extraordinary (No. 4) dated 10-05-2017 from pages 827 to 836 regarding Notification/Notices from Goa Legislature Secretariat & Department of Panchayati Raj & Community Development.

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 60/15/Bye laws/GSCB/TS/2016-17/494

Read:1) Notification No. 60/15/Bye laws/GSCB/TS/2016-17/4625 dated 09-03-2017.

2) Memo No. 60/15/Bye laws/GSCB/TS/2016-17/4624 dated 09-03-2017.

The Notification dated 9-3-2017 and Memo dated 09-03-2017 referred to hereinabove at Sr. No. (1) and (2) are withdrawn with immediate effect with the directions to The Goa State Co-op. Bank Ltd., Panaji to submit fresh registration proposal to this office as provided under the Goa Co-op. Societies Act, 2001 and the Rules framed thereunder.

This order shall come into force with immediate effect.

Gurudas P. Pilarnekar, Registrar & ex officio Joint Secretary (Co-op. Societies).

Panaji, 5th May, 2017.

Department of Fisheries

Directorate of Fisheries

Order

No. 2-1-81-FSH

In exercise of the powers conferred by sub-section (1) and (2) of Section 4 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (Act No. 3 of 1981), the Government of Goa having regard to the need to conserve fish, hereby prohibits fishing by fishing vessels fitted with mechanical means of propulsion and by means of trawl-net and purse-seine net, except fishing by registered motorized canoes using gill nets only, and fitted with outboard or inboard motors, of upto 10 HP capacity, as a means of propulsion, along the sea coast of the State of Goa and the territorial waters of the State of Goa, with effect from 1st June, 2017 till 31st July, 2017 (both days inclusive).

By order and in the name of the Governor of Goa.

Dr. Smt. Shamila Monteiro, Director and ex officio Joint Secretary (Fisheries).

Panaji, 3rd May, 2017.

Department of Labour

Order

No. 28/13/2017-LAB/282

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Chowgule and Company Private Limited, Pellets Division (Mandovi Pellets), Shiroda, Goa, and their workmen, represented by the Mandovi Pellets Limited Worker's Union (Goa), in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

"(1) Whether the demand raised by the Mandovi Pellets Limited Worker's Union (Goa), vide their letter dated 02-12-2016 for 20% bonus/ /ex-gratia for the accounting year 2015-2016 to all the workers, who have opted VRS, is legal and justified?

(2) If not, what relief the workmen are entitled to?"

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 28th April, 2017.

Order

No. 28/11/2017-LAB/284

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. The Bicholim Merchant Urban Co-operative Credit Society Limited, Bicholim, Goa, and its workman, Shri Shailesh Govekar, Clerk, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Labour Court-II of Goa at Panaji-Goa, constituted under Section 7(1) of the said Act.

SCHEDULE

"(1) Whether the action of the management of M/s. The Bicholim Merchant Urban Co-operative Credit Society Limited,

Bicholim, Goa, in dismissing its workman, Shri Shailesh Govekar, Clerk, with effect from 07-03-2016, is legal and justified?

(2) If not, what relief the workman is entitled to?"

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 28th April, 2017.

Notification

No. 28/9/2017-LAB/Part-II/286

The following Order passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 29-03-2017 in reference No. IT/2/15 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 2nd May, 2017.

IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT

GOVERNMENT OF GOA
AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding Officer)

Ref. No. IT/2/15

Workmen,
Shri Uttam Jagtap & 121 Others,
Rep. by the President,
M/s. Amiantit Employees Union,
C/o. Adv. Ajeetsing Rane,
1st Floor, Neurecar Chambers,
M. G. Road, Panaji-Goa-403 001. ... Party I

V/s

1. The Director,
M/s. Amiantit Fibreglass
Industries Pvt. Ltd.,
Survey No. 120 (Part), 121 and
177 (Part),
Navelim, Amona,
Bicholim, Goa-403 505. ... Party II (1)
2. Shri V. P. Katkar,
Official Liquidator,
Ministry of Corporate Affairs,
Corporate Bhawan, EDC Complex,
Plot No. 21, Patto Plaza,
Panaji-Goa-403 001. ... Party II (2)

Party I represented by Shri P. Gaonkar.

Party II (1) represented by Ld. Adv. Shri G. K. Sardessai.

Party II (2) represented by Ld. Adv. Ms Amira A. Razaq.

ORDER

(Delivered on this the 29th day of the month of March of the year 2017)

This Order shall dispose of the application at Exhibit 20 filed by the Official Liquidator under Section 446 of the Companies Act, 1956.

2. Briefly stated, the case of the Official Liquidator is as follows:

That the provisional Liquidator of the Company was appointed by the Hon'ble High Court vide Orders dated 09-07-2014 and 30-09-2014 and subsequently by Order dated 09-06-2016, the Hon'ble High Court has passed an Order directing that the Company should be wound up. In terms of Section 529A of the Companies Act, 1956, the workmen have a priority for payment of their dues and debts due to secured creditors to the extent such debts rank under Clause (c) of the proviso to sub-section (1) of Section 529 *pari passu* with such dues. The above said debts shall be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions.

3. It is further its case that the Party I in the above proceedings is very well aware that in terms of Order dated 01-10-2015, an amount of Rs. 71,19,770/- has been deposited in the office of the Official Liquidator by the secured creditor which is subject to adjudication. By further Order dated 11-03-2016, the Hon'ble High Court has been pleased to permit the Official Liquidator to adjudicate the claims of the workmen in the said Company petition and in furtherance thereto, the Official Liquidator has already published notice inviting claims from the workmen of the Company in liquidation and hence the present proceedings are not at all maintainable in law in view of the bar of Section 446 of the Companies Act, 1956 and in view of above and without admitting any of the contentions raised by the Party I, present proceedings be closed. Hence, the application.

4. The Party I filed a reply *inter-alia* contending that the Liquidator is trying to delay the matter by filing the application on the same point and in fact at the time of impleading the party, this objection was taken by the Liquidator in their reply dated 08-07-2016 and therefore the present application is hit by the principles of *Res Judicata* and ought not to be allowed. It is also its case that by Order

dated 28-08-2016, the Hon'ble Tribunal has decided the previous application and hence on this ground alone, this application is not maintainable and liable to be dismissed with heavy cost.

5. It is also claimed that Section 446 of the Companies Act does not operate as a bar against continuation of a reference under the Industrial Disputes Act, 1947 and that Section 446 of the Act is only applicable to 'suits' and 'other legal proceedings'. It is well settled by judicial decisions that the expression 'other legal proceedings' does not include a reference under the Industrial Disputes Act, 1947 and that reference under Section 10 is not subject to the provisions of Section 446 of Companies Act and once a reference is made, Section 15 of Act imposes on the Tribunal, the duty of holding its proceedings expeditiously and submitting its award to the appropriate Government as soon as it can necessarily follows that the proceeding before Tribunal cannot be barred under Section 446 of the Companies Act. Hence, the application be dismissed.

6. Arguments heard.

7. Ld. Adv. Ms. Amira Razaq for the Official Liquidator has submitted that Shri V. P. Katkar was appointed as provisional Liquidator of Company and by Order dated 9-6-2016 the Hon'ble High Court passed an Order directing that the Company should be wound up. She further submitted that under Section 529A of the Companies Act, 1956, the workmen have a priority for payment of the dues due to the secured creditors. The Party I workmen are well aware that an amount of Rs. 71,19,770/- was deposited in the office of the Official Liquidator by the secured creditor and the Hon'ble High Court has been pleased to permit the Official Liquidator to adjudicate the claim of the workmen in the Company Petition and therefore the present petition is not maintainable.

8. *Per contra*, Shri P. Gaonkar for Party I has submitted that the present application is hit by the principles of *Res Judicata* and that by Order dated 28-8-2015, the Tribunal has already decided that the bar under Section 446(1) of the Companies Act is not attracted in this case. Section 446 of the Companies Act does not operate as a bar against continuation of a reference under Industrial Disputes Act and that the expression 'other legal proceedings' does not include reference under Industrial Disputes Act but are applicable to only to 'suits' and 'other legal proceedings' and therefore, the application is not maintainable.

9. It is well settled in the case of **Silcal Workers' Union (CITU), Palakkad vs. Silcal Metallurgic Limited and another, 2014(1) LLN 493 (Mad.)** that once Company is wound up, Claim Petitions can be made only before Official Liquidator as after winding up of Company, public interest that exists in an industrial dispute, ceases and any claim gets converted into a claim for money and the workmen can approach Official Liquidator with regards to their claims. It was also held that the object of the Industrial Disputes Act, 1947 and the mechanism provided therein are for subserving a public interest namely that of resolving industrial disputes and securing industrial peace. But the moment an order of winding up is passed, the very existence of the industry comes under threat and hence the question of resolving a dispute therein and securing peace between the Management and the Workmen in a potentially non-existent entity would not arise. The element of public interest, that inheres in an industrial dispute, ceases to exist, the moment a winding up Order is passed. Upon the winding up order being passed, the public interest that underlies an industrial dispute gets converted into a mere claim for money.

10. Admittedly, the Oral Order dated 9-7-2014 passed in Company Petition No. 11/2013 by Hon'ble High Court clearly shows that the provisional Liquidator was appointed in respect of the Company of Party II and that the provisional Liquidator shall commence the proceedings in accordance with law. The Order dated 30-9-2014 of the Hon'ble High Court of Bombay at Goa in Company Application No. 38 of 2014 in Company Petition No. 11 of 2013 shows that the Provisional Liquidator mentioned in Clauses (iii) and (iv) of the Order dated 9-7-2014 shall be Official Liquidator, High Court of Bombay at Goa. There is no dispute that Shri V. P. Katkar was appointed as provisional Liquidator of the Company vide Order dated 9-6-2016 by the Hon'ble High Court. In the said Company Petition, the Company was directed to be wound up in accordance with law. There is no dispute that by Oral Order dated 1-10-2015 of the Hon'ble High Court in Company Application No. 150 of 2015 in Company Petition No. 11 of 2013, the Bank was directed to deposit a sum of Rs. 71,19,770/- (Rupees Seventy one lakh, nineteen thousand seven hundred and seventy only) in the office of the Official Liquidator and furnish an undertaking in terms of Section 13(9) of the said Securitization Act to the satisfaction of the Registrar (Judicial) of the Court and signed by an Authorized Officer of the Bank to the effect that the Bank shall honour any other payment towards

the workers dues besides the amount so deposited, upon such demand by the Liquidator and that the Party I workers are at liberty to file an appropriate claim before the Liquidator based on the Orders passed by the Labour Commissioner and, in case, such claims are put forward, the Liquidator shall expeditiously examine to disburse such amounts in accordance with law.

11. Undoubtedly, suits are stayed on winding up order in terms of Section 446 of Companies Act, 1956 which reads as follows:

446. SUITS STAYED ON WINDING UP ORDER

- (1) *When a winding up order has been made or the Official Liquidator has been appointed as provisional liquidator, no suit or other legal proceedings shall be commenced, or if pending at the date of the winding up order, shall be proceeded with, against the Company, except by leave of the [Tribunal] and subject to such terms as the [Tribunal] may impose.*
- (2) *The [Tribunal] shall, notwithstanding anything contained in any other law for the time being in force, have jurisdiction to entertain, or dispose of-*
 - (a) *any suit or proceeding by or against the Company;*
 - (b) *any claim made by or against the Company (including claims by or against any of its branches in India);*
 - (c) *any application made under Section 391 by or in respect of the Company;*
 - (d) *any question of priorities or any other question whatsoever, whether of law or fact, which may relate to or arise in course of the winding up of the Company.*

Whether such suit or proceeding has been instituted, or is instituted, or such claim or question has arisen or arises or such application has been made or is made before or after the order for the winding up of the Company, or before or after the commencement of the Companies (Amendment) Act, 1960.

- (3) *[.....]*
- (4) *Nothing in sub-section (1) of sub-section (3) shall apply to any proceedings pending in appeal before the Supreme Court or a High Court.*

12. There is no dispute that Section 529A of the Companies Act provides for overriding preferential payments. It states:

- (1) *Notwithstanding anything contained in any other provision of this Act or any other law for the time being in force, in the winding up of a Company-*
 - (a) *workmen's dues; and*
 - (b) *debts due to secured creditors to the extent such debts rank under Clause (c) of the proviso to sub-section (1) of Section 529 pari passu with such dues, shall be paid priority to all other debts.*
- (2) *The debts payable under Clause (a) and Clause (b) of sub-section (1) shall be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions.*

13. Therefore, once the Hon'ble High Court has appointed an Official Liquidator in respect of the Company who was directed to commence the proceedings in accordance with law and thereafter passed an Order directing that the Company should be wound up and that Party I who intervened before the Hon'ble High Court in Company Application No. 150 of 2015 is aware that in terms of Order dated 1-10-2015 an amount of Rs. 71,19,770/- has been deposited in the office of the Official Liquidator by the secured creditor with undertaking that the Bank shall honour any other payment towards the workers dues besides the amount so deposited, which is subject to adjudication before the Official Liquidator and when the Hon'ble High Court has been pleased to permit the Official Liquidator to adjudicate the claims of the workmen in the said Company petition and the Official Liquidator has already seized of the matter, it is not permissible for Party I to proceed with the matter before the Tribunal on the ground that Section 446 of Companies Act does not operate as a bar or that it is hit by principle of Res Judicata as the law as well as judicial pronouncement on the subject matter is unambiguous and therefore the contention raised by Shri P. Gaonkar as stated above cannot be entertained.

14. The Party I has raised the industrial dispute before the Tribunal with prayer to declare that the refusal of employment of all 121 workmen as illegal, improper and unjustified; to direct Employer/Liquidator to pay Rs. 15,00,000/- each as

compensation to all the workmen; to direct Employer/Liquidator to pay full back wages till the date of award; to direct the Employer/Liquidator to pay all other legal dues such as gratuity, ex-gratia, retrenchment compensation to all the workmen in reference. Needless to mention, all the claims of the Party I have to be adjudicated before the Official Liquidator. No parallel proceedings can be allowed to operate as it is well settled that once Company is wound up, claim can be made only before Official Liquidator as after winding up of the Company, public interest that exists in an industrial dispute pending before the Tribunal ceases and any claim gets converted into a claim for money, which has to be adjudicated by the Official Liquidator. The Tribunal therefore will have no jurisdiction to entertain or dispose of the present proceedings nor can continue or proceed with the reference as the said exercise of adjudication of the claim of the Party I has to be carried out by the Official Liquidator appointed by the Hon'ble High Court and therefore the present proceedings do not survive.

15. In the result, I pass the following:

ORDER

1. The application at Exb. 20 stands allowed. Consequently, the present proceedings stand closed.
2. Inform the Government accordingly.

Sd/-
(Vincent D'Silva)
Presiding Officer
Industrial Tribunal and
Labour Court.

Notification

No. 28/9/2017-LAB/Part-II/288

The following award passed by the Labour Court-II at Panaji-Goa on 27-03-2017 in reference No. LC-II/IT/19/16 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).
Porvorim, 2nd May, 2017.

THE LABOUR COURT-II
GOVERNMENT OF GOA

AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. LC-II/IT/19/16

Shri Dilip S. Reddy,
Rep. by the General Secretary,
Goa Trade and Commercial
Workers' Union,
Velho's Bldg., Panaji-Goa. ... Workman/Party-I.

V/s

The Managing Director,
M/s. Shrikrupa Services Pvt. Ltd.,
C/o. M/s. Zuari Agro Chemicals Ltd.,
Zuarinagar, Sancoale-Goa. ... Employer/Party-II.

Workman/Party-I remained absent.

Employer/Party-II remained absent.

Panaji, dated: 27-03-2017.

AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by Order dated 04-11-2016, bearing No. 28/44/2016-LAB/779, referred the following dispute for adjudication to the Labour Court II at Panaji, Goa.

- "1. Whether the action of the management of M/s. Shrikrupa Services Private Limited, a maintenance and fabrication contractor at M/s. Zuari Agro Chemicals Limited, Zuarinagar, Sancoale, Goa in dismissing from service Shri Dilip S. Reddy, Assistant Rigger, with effect from 18-03-2014, is legal and justified?
2. If not, what relief the Workperson is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/19/2016. Notice was issued to both the parties. The Workman was served by hand delivery through an office bearer of the Goa Trade and Commercial Workers Union. A registered A/D notice was issued to the Employer has been returned back with a postal remark, "unclaimed, returned to the sender". Unclaimed is a good service of summons and hence, the Employer was presumed to be duly served. Neither

the Workman nor the Employer remained present on any of the scheduled date of hearings from the beginning itself without any justifiable cause, though ample opportunities were given to them. Consequently, neither the parties have appeared before me nor filed any pleadings.

4. In the case of **Baldev Singh V/s The Judge, Central Government Industrial Tribunal & Labour Court & ors., reported in 2007 II CLR 685**, the Hon'ble High Court of Rajasthan by referring the judgment of Hon'ble Apex Court in the case of **Virendra Bhandri V/s Rajasthan State Road Corporation Ltd., & ors., reported in (2002) 9 SCC** observed as under:

".....a reference of certain Industrial Dispute was made to the Industrial Tribunal-cum-Labour Court. The workman did not appear before the Tribunal, therefore, Tribunal held that there remains no Industrial Dispute. However, subsequently, the Appropriate Government again referred the dispute to the Tribunal on the same question and on this occasion, the Tribunal adjudicated the matter and made an award. The High Court held that the finding recorded by the Tribunal in the first reference amounted to an "award" and, therefore, second reference was incompetent. The Hon'ble Apex Court held that all that was stated was that the parties concerned had not appeared before the Tribunal and in such an event, the Tribunal should have noted its inability to record the finding on the issue referred to it, not that the dispute itself does not exist. When there is no adjudication of the matter on merits, it cannot be said that the industrial dispute does not exist. If the industrial dispute still exists as is opined by the Government, such a matter can be referred under Section 10 of the I.D. Act, as Industrial Disputes are preferred to the Labour Court or the Industrial Tribunal for maintenance of industrial peace and not merely for adjudication of the dispute between two private parties. Therefore, it was permissible for the Government to have made the second reference.".

The principle laid down by the Hon'ble High Court in its aforesaid judgment binds a precedent upon me. Applying the law laid down by the Hon'ble High Court in its aforesaid judgment, in the case in hand, no pleadings have been filed by the Workman as well as by the Employer before this court and as such I am unable to record the findings on the issue referred to me.

In the circumstances, I pass the following order:

AWARD

ORDER

1. It is held that this court is unable to record the finding on the issue referred by the Appropriate Government.
2. No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

Notification

No. 28/9/2017-LAB/Part-II/289

The following award passed by the Labour Court-II at Panaji-Goa on 30-03-2017 in reference No. IT/33/12 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 2nd May, 2017.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before **Shri Suresh N. Narulkar**, Hon'ble
Presiding Officer)

Case No. Ref. IT/33/12

Shri Sunil P Naik,
H. No. 61/4, Damodar Temple,
Murdi, Cansaulim, Goa. ... Workman/Party-I.

V/s

The General Manager,
M/s. Sesa Goa Ltd.,
River Fleet & Shipping Division,
Opp. Damodar Temple,
Swatantra Path,
Vasco-da-Gama-Goa. Employer/Party-II.

Workman/Party-I represented by Adv. Shri R. Gauthankar.

Employer/Party-II represented by Adv. Shri M.S. Bhandodkar.

Panaji, dated: 30-03-2017.

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 28-05-2012, bearing No. 28/08/2012-LAB/240, referred the following dispute for adjudication by Industrial Tribunal of Goa. The matter was thereafter transferred to this Labour Court II for its adjudication by the Appropriate Government, vide its order dated 09-02-2016.

"(1) Whether the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of it's workman, Shri Sunil P. Naik, engine driver, with effect from 24-03-2009, is legal and justified?

(2) If not, what relief, the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/33/2012 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party-I (for short "Workman"), filed his Statement of Claim on 13-08-2012 at Exb. 4. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party-II (for short "Employer") on 01-02-2005. He stated that he was confirmed in service of the Employer as 'Barge Driver' on 01-05-2005. He stated that he was on duty on barge Helena in second shift from 16-03-2008 till 31-03-2008. He stated that during the trip No. 2246 in second shift on 19-03-2008, barge Helena sailed from anchor point at 11.45 p.m. on hand steering and reached Capxem Bunder on 20-03-2008 at about 2.00 a.m. He stated that the barge Helena did not stop on the way, after leaving anchor point at 11.45 p.m., hence, question of transferring diesel from barge to canoe at Mandkem, does not arise.

3. He stated that he was issued a vague charge-sheet dated 15-10-2008. He stated that there is no specific charge that he was instrumental in transferring the diesel to the canoe himself or at his instance his fellow colleagues transferred the diesel at dead of night. He stated that the canoe owner to whom the diesel was sold has not been examined at the enquiry for establishing the charge of theft against workers. He stated that the charges levelled against him are false. He submitted that the findings rendered by the Enquiry Officer are perverse. He submitted that the Enquiry Officer

has not given any reason in his finding for preferring the management evidence. He submitted that the workmen were guilty of offences of theft i.e. stealing diesel, the Employer ought to have filed a police complaint against them, which the Employer has not filed, knowing fully well that they have no evidence to put them behind bars. He submitted that a letter dated 17-12-2008 addressed to the General Manager by Shri Sanil Ratnakar Gaonkar (Sailor) endorsing a copy to the Enquiry Officer has purposely been not produced by Management Representative, since the contents of the said letter would damage their case. He submitted that the Enquiry Officer being biased, has relied upon the version of the management witnesses as gospel truth. He submitted that in spite of the demand for GPS (Global Position System) plan, it was not produced by Employer since there was no pilferage/theft of diesel on 19-03-2008. The Workman finally submitted that the statement of management witnesses produced by Management Representative were reduced into writing at his instance in Marathi and English language and witnesses were taken much after the alleged date of theft i.e. on 19-03-2008. The Workman therefore prayed that the action of the Employer in terminating his services be declared as illegal and he be reinstated in service with continuity in service and full back wages.

4. The Employer resisted the claim of the Workman, by filing its written statement on 07-01-2013 at Exb. 5. The Employer, as and by way of preliminary objection, submitted that the entire reference is bad-in-law, not maintainable and ought to be rejected. The Employer submitted that since the Workman had committed a serious act of misconduct, the Employer conducted a fair and proper enquiry by following principles of natural justice as per its certified standing orders. The Employer submitted that since the charges of misconduct found proved against the workman were grave and serious in nature, they dismissed him from their service. The Employer submitted that the punishment imposed upon the Workman is proportionate and commensurate to the proved charges. The Employer submitted that the said dismissal of services of the Workman is fully legal and justified and therefore no relief could be granted to the Workman and that this Hon'ble Tribunal should not interfere with the said disciplinary action of the Employer.

5. The Employer stated that it is a company established in the year 1954 and is in business of producing and exporting iron ore as well as barge operation. The Employer admitted that the

Workman was appointed by them as First Class Engine Driver (Grade B 4) on probation w.e.f. 01-02-2005. The Employer admitted that the Workman was confirmed in service from 01-05-2005 as Barge Driver. The Employer admitted that the Workman was on duty in second shift on barge Helena along with other crew i.e. Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Ramrai Potekar from 16-03-2008 to 31-03-2008. The Employer stated that during second shift and trip No. 2246 on 19-03-2008, after discharging cargo at transhiper, the barge Helena proceeded towards Capxem/Savordem Bunder. The Employer stated that however, at around 2.30 p.m. on the way, the Workman stopped the said barge at Rassaim for some minor repairs and after carrying out repairs, the barge left Rassaim at about 7.15 p.m. The Employer stated that at around 8.00 p.m., when the barge crossed the Borim bridge, the power steering of the barge failed. The Employer stated that therefore the Workman reported this fact to Mr. Rajesh Kosambe on phone and thereafter the barge was anchored near Borim bridge. The Employer stated that as instructed by Mr. Kosambe on phone, the barge Helena sailed from anchor point at about 11.45 p.m. on hand steering and reached at Capxem Bunder on 20-03-2008 at around 2.00 a.m. The Employer stated that after loading on 28-03-2008, at around 11.20 a.m., the barge Helena sailed to Mormugao harbor. The Employer stated that unloading completed at Mormugao harbor on 21-03-2008 at 3.00 a.m. The Employer stated that during trip No. 2246 in second shift on 19-03-2008 on his way to Capxem/Savardem bundar, when the barge Helena sailed from anchor point and reached at Mankem, there was a torch signal from one canoe and this was responded with search light by Mr. Premanand Gaonkar, Sukani. The Employer stated that upon this response, the canoe came alongside the barge. The Employer stated that thereafter the Workman along with other crew i.e. Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Ramrai Potekar went down from wheel house and transferred company's diesel from the barge Helena to the canoe through pipe. The Employer submitted that thus it is clear that the Workman had stolen and dishonestly taken away diesel from the barge Helena and disposed off the same in association with other crew i.e. Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Ramrai Potekar, causing loss of the goods, property of the company. The Employer stated that since the entire acts on the part of the Workman was found to be serious acts of misconduct as per its certified standing orders, he was issued a charge-sheet dated 15-10-2008, giving details of

acts of Workman and since his behaviour was detrimental to the smooth functioning of the establishment, he was suspended pending enquiry w.e.f. 15-10-2008.

6. The Employer stated that the Workman submitted his reply to the charge-sheet, vide his reply dated 17-10-2008. The Employer stated that since the reply submitted by the Workman was not found to be satisfactory, a joint enquiry was conducted against him along with Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Ramrai Potekar in respect of charge-sheet dated 15-10-2008. The Employer submitted that it has conducted an enquiry in a fair and proper manner by following the principles of natural justice. The Employer stated that during the course of enquiry, the Workman fully participated in the enquiry. The Employer stated that the Workman was represented by Mr. Dutta Mapari. The Employer submitted that after completion of the enquiry, the Enquiry Officer submitted his findings, by which the Workman was held guilty of all the charges levelled against him. The Employer submitted that the findings of the Enquiry Officer are based on evidence on record. The Employer submitted that in any event if this Hon'ble Court comes to the conclusion that the enquiry was not conducted properly or in a fair and proper manner, or that the findings are perverse and/or is not based on evidence on record, then they crave leave to adduce additional evidence to justify its case. The Employer submitted that the disciplinary authority after going through the enquiry proceedings and its connected papers and evidence on record, has concurred with the findings of the Enquiry Officer and a show-cause notice dated 04-03-2009 was issued to the Workman along with copy of finding. The Employer stated that on 12-04-2009, the Workman filed his explanation to the show cause notice issued to him. The Employer stated that the management after going through the said explanation/reply found it far from satisfactory. The Employer stated that all the submissions made by the Workman in the said reply were specifically dealt with as they were totally false, baseless and mischievous. The Employer stated that considering the seriousness and gravity of misconducts found proved against the Workman, they came to a bonafide conclusion that no leniency was warranted. The Employer submitted that the Workman was therefore discharged by order dated 24-03-2009 by way of punishment. The Employer submitted that the acts of misconduct committed by the Workman are grave and serious in nature and the punishment imposed upon him is appropriate and

commensurate with the acts of misconduct committed by the Workman. The Employer therefore submitted that the dismissal from service of the Workman is just and fair and this Hon'ble Court should not interfere with the said administrative decision. The Employer denied the overall case of the Workman as pleaded by him and prayed that the entire reference be dismissed in limine.

7. Thereafter, the Workman filed his Rejoinder on 11-02-2013 at Exb-7. The Workman, by way of his Re-joinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in its Written Statement, which are contrary to the statements and averments made by him.

8. Based on the pleadings filed by the respective Parties, the Hon'ble Industrial Tribunal-cum-Labour Court has framed the following issues at Exb.10.

1. Whether the Party-I proves that the domestic enquiry conducted against him by Party-II, is not fair and proper?
2. Whether the charges of misconduct leveled against the Party I are proved to the satisfaction of this Tribunal by acceptable evidence?
3. Whether the Party-I proves that the termination of his services by Party II w.e.f. 24-03-2009 is illegal and unjustified?
4. Whether the Party-I is entitled for any relief?
5. What award?

9. Thereafter, the case was fixed for the evidence of the Workman. The Workman has filed his affidavit in evidence and also produced on record certain documents. He was cross-examined by the Ld. Adv. Shri M. S. Bhandodkar appearing for the Employer. On 26-09-2016, Ld. Advocates appearing for the respective parties remained present and orally submitted that the matter is likely to settle amicably between the parties and sought time to file the terms of settlement. Accordingly on 23-03-2017, the Workman along with his Adv. Shri R. Gauthankar as well as Ld. Adv. Shri M. S. Bhandodkar appearing for the Employer remained present and filed a joint application for consent award in terms of settlement of the dispute, which is on record at Exh-13.

I have carefully perused the said application for consent award, jointly filed by the parties. I am of the opinion that the said terms of settlement are

beneficial to the Workman and hence consented for the same. Since the dispute under reference is settled between the parties, I hold that the dispute under present reference does not survive.

In view of the above, I proceed to pass the following order:

ORDER

1. It is held that the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of it's workman, Shri Sunil Naik, Engine Driver, with effect from 24-03-2009, is legal and justified, does not survive.
2. The workman Shri Sunil Naik is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

Notification

No. 28/9/2017-LAB/Part-II/295

The following award passed by the Labour Court-II, at Panaji-Goa on 30-03-2017 in reference No. IT/32/12 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).
Porvorim, 2nd May, 2017.

THE LABOUR COURT-II
GOVERNMENT OF GOA

AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/32/12

Shri Vishnu Halarnkar,
H. No. 1371, Tem wada,
Morjim, Pernem, Goa. ... Workman/Party-I
V/s

The General Manager,
M/s. Sesa Goa Ltd.,
River Fleet & Shipping Division,
Opp. Damodar Temple,
Swatantra Path,
Vasco-da-Gama-Goa. Employer/Party-II

Workman/Party-I represented by Adv. Shri R. Gauthankar.

Employer/Party-II represented by Adv. Shri M.S. Bandodkar.

Panaji, dated: 30-03-2017.

AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 28-05-2012, bearing No. 28/13/2012-LAB/269, referred the following dispute for adjudication by Industrial Tribunal of Goa. The matter was thereafter transferred to this Labour Court II for its adjudication by the Appropriate Government, vide its order dated 09-02-2016.

"(1) Whether the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of it's workman, Shri Vishnu Halarnkar, engine driver, with effect from 24-03-2009, is legal and justified?

(2) If not, what relief, the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/32/2012 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party-I (for short "Workman"), filed his Statement of Claim on 13-08-2012 at Exb. 4. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party-II (for short "Employer") on 01-12-2002. He stated that he was confirmed in service of the Employer as 'Sailor' on 01-03-2003. He stated that he was on duty on barge Helena in second shift from 16-03-2008 till 31-03-2008. He stated that during the trip No. 2246 in second shift on 19-03-2008, barge Helena sailed from anchor point at 11.45 p.m. on hand steering and reached Capxem Bunder on 20-03-2008 at about 2.00 a.m. He stated that the barge Helena did not stop on the way, after leaving anchor point at 11.45 p.m., hence, question of transferring diesel from barge to canoe at Mandkem, does not arise.

3. He stated that he was issued a vague charge-sheet dated 15-10-2008. He stated that there is no specific charge that he was instrumental in transferring the diesel to the canoe himself or at his instance his fellow colleagues transferred the diesel at dead of night. He stated that the canoe owner to whom the diesel was sold has not been examined at the enquiry for establishing the charge of theft against workers. He stated that the charges levelled against him are false. He submitted that the findings rendered by the Enquiry Officer are perverse. He submitted that the Enquiry Officer has not given any reason in his finding for preferring the management evidence. He submitted that the workmen were guilty of offences of theft i.e. stealing diesel, the Employer ought to have filed a police complaint against them, which the Employer has not filed, knowing fully well that they have no evidence to put them behind bars. He submitted that a letter dated 17-12-2008 addressed to the General Manager by Shri Sanil Ratnakar Gaonkar (Sailor) endorsing a copy to the Enquiry Officer has purposely been not produced by Management Representative, since the contents of the said letter would damage their case. He submitted that the Enquiry Officer being biased, has relied upon the version of the management witnesses as gospel truth. He submitted that in spite of the demand for GPS (Global Position System) plan, it was not produced by Employer since there was no pilferage/theft of diesel on 19-03-2008. The Workman finally submitted that the statement of management witnesses produced by Management Representative were reduced into writing at his instance in Marathi and English language and witnesses were taken much after the alleged date of theft i.e. on 19-03-2008. The Workman therefore prayed that the action of the Employer in terminating his services be declared as illegal and he be reinstated in service with continuity in service and full back wages.

4. The Employer resisted the claim of the Workman, by filing its written statement on 07-01-2013 at Exb. 5. The Employer, as and by way of preliminary objection, submitted that the entire reference is bad-in-law, not maintainable and ought to be rejected. The Employer submitted that since the Workman had committed a serious act of misconduct, the Employer conducted a fair and proper enquiry by following principles of natural justice as per its certified standing orders. The Employer submitted that since the charges of misconduct found proved against the workman were grave and serious in nature, they dismissed him from their service. The Employer submitted

that the punishment imposed upon the Workman is proportionate and commensurate to the proved charges. The Employer submitted that the said dismissal of services of the Workman is fully legal and justified and therefore no relief could be granted to the Workman and that this Hon'ble Tribunal should not interfere with the said disciplinary action of the Employer.

5. The Employer stated that it is a company established in the year 1954 and is in business of producing and exporting iron ore as well as barge operation. The Employer admitted that the Workman was appointed by them as Sailor on probation w.e.f. 01-12-2002. The Employer admitted that the Workman was confirmed in service from 01-03-2003 as Barge Sailor. The Employer stated that due to business exigencies, the Workman was placed on a trial basis as 'Asstt. Driver/Oilman' by its letter dated 01-11-2004. The Employer admitted that the Workman was on duty in second shift on barge Helena along with other crew i.e. Shri Sunil Naik, Shri Premanand J. Gaonkar and Shri Ramrai Potekar from 16-03-2008 to 31-03-2008. The Employer stated that during second shift and trip No. 2246 on 19-03-2008, after discharging cargo at transhiper, the barge Helena proceeded towards Capxem/Savordem Bunder. The Employer stated that however, at around 2.30 p.m. on the way, the Workman stopped the said barge at Rassaim for some minor repairs and after carrying out repairs, the barge left Rassaim at about 7.15 p.m. The Employer stated that at around 8.00 p.m., when the barge crossed the Borim bridge, the power steering of the barge failed. The Employer stated that therefore the Sunil Naik reported this fact to Mr. Rajesh Kosambe on phone and thereafter the barge was anchored near Borim bridge. The Employer stated that as instructed by Mr. Kosambe on phone, the barge Helena sailed from anchor point at about 11.45 p.m. on hand steering and reached at Capxem Bunder on 20-03-2008 at around 2.00 a.m. The Employer stated that after loading on 28-03-2008, at around 11.20 a.m., the barge Helena sailed to Mormugao harbor. The Employer stated that unloading completed at Mormugao harbor on 21-03-2008 at 3.00 a.m. The Employer stated that during trip No. 2246 in second shift, on 19-03-2008 on his way to Capxem / Savardem bundar, when the barge Helena sailed from anchor point and reached at Mankem, there was a torch signal from one canoe and this was responded with search light by Mr. Premanand Gaonkar, Sukani. The Employer stated that upon this response, the canoe came alongside the barge. The Employer stated that thereafter the Workman along with other crew

i.e. Shri Sunil Naik, Shri Premanand J. Gaonkar and Shri Ramrai Potekar went down from wheel house and transferred company's diesel from the barge Helena to the canoe through pipe. The Employer submitted that thus it is clear that the Workman had stolen and dishonestly taken away diesel from the barge Helena and disposed off the same in association with other crew i.e. Shri Sunil Naik, Shri Premanand J. Gaonkar and Shri Ramrai Potekar, causing loss of the goods, property of the company. The Employer stated that since the entire acts on the part of the Workman was found to be serious acts of misconduct as per its certified standing orders, he was issued a charge-sheet dated 15-10-2008, giving details of acts of Workman and since his behaviour was detrimental to the smooth functioning of the establishment, he was suspended pending enquiry w.e.f. 15-10-2008.

6. The Employer stated that the Workman submitted his reply to the charge-sheet, vide his reply dated 17-10-2008. The Employer stated that the since the reply submitted by the Workman was not found to be satisfactory, a joint enquiry was conducted against him along with Shri Sunil Naik, Shri Premanand J. Gaonkar and Shri Ramrai Potekar in respect of charge-sheet dated 15-10-2008. The Employer submitted that it has conducted an enquiry in a fair and proper manner by following the principles of natural justice. The Employer stated that during the course of enquiry, the Workman fully participated in the enquiry. The Employer stated that the Workman was represented by Mr. Santosh Narvekar. The Employer submitted that after completion of the enquiry, the Enquiry Officer submitted his findings, by which the Workman was held guilty of all the charges levelled against him. The Employer submitted that the findings of the Enquiry Officer are based on evidence on record. The Employer submitted that in any event if this Hon'ble Court comes to the conclusion that the enquiry was not conducted properly or in a fair and proper manner, or that the findings are perverse and/or is not based on evidence on record, then they craves leave to adduce additional evidence to justify its case. The Employer submitted that the disciplinary authority after going through the enquiry proceedings and its connected papers and evidence on record, has concurred with the findings of the Enquiry Officer and a show-cause notice dated 04-03-2009 was issued to the Workman along with copy of finding. The Employer stated that on 12-03-2009, the Workman filed his explanation to the show cause notice issued to him. The Employer stated that the management after going through the said

explanation/reply found it far from satisfactory. The Employer stated that all the submissions made by the Workman in the said reply were specifically dealt with as they were totally false, baseless and mischievous. The Employer stated that considering the seriousness and gravity of misconducts found proved against the Workman, they came to a bonafide conclusion that no leniency was warranted. The Employer submitted that the Workman was therefore discharged, by order dated 24-03-2009, by way of punishment. The Employer submitted that the acts of misconduct committed by the Workman are grave and serious in nature and the punishment imposed upon him is appropriate and commensurate with the acts of misconduct committed by the Workman. The Employer therefore submitted that the dismissal from service of the Workman is just and fair and this Hon'ble Court should not interfere with the said administrative decision. The Employer denied the overall case of the Workman as pleaded by him and prayed that the entire reference be dismissed in limine.

7. Thereafter, the Workman filed his Rejoinder on 11-02-2013 at Exb-7. The Workman, by way of his Re-joinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in its Written Statement, which are contrary to the statements and averments made by him.

8. Based on the pleadings filed by the respective Parties, the Hon'ble Industrial Tribunal-cum-Labour Court has framed the following issues at Exb.-10.

1. Whether the Party-I proves that the domestic enquiry conducted against him by Party-II, is not fair and proper?
2. Whether the charges of misconduct leveled against the Party I are proved to the satisfaction of this Tribunal by acceptable evidence?
3. Whether the Party-I proves that the termination of his services by Party II w.e.f. 24-03-2009 is illegal and unjustified?
4. Whether the Party-I is entitled for any relief?
5. What award?

9. Thereafter, the case was fixed for the evidence of the Workman. The Workman has filed his affidavit in evidence and also produced on record certain documents. He was cross-examined by the Ld. Adv. Shri M. S. Bandodkar appearing for the Employer.

On 26-09-2016, Ld. Advocates appearing for the respective parties remained present and orally submitted that the matter is likely to settle amicably between the parties and sought time to file the terms of settlement. Accordingly on 23-03-2017, the Workman along with his Adv. Shri R. Gauthankar as well as Ld. Adv. Shri M. S. Bhandodkar appearing for the Employer remained present and filed a joint application for consent award in terms of settlement of the dispute, which is on record at Exh-12.

I have carefully perused the said application for consent award, jointly filed by the parties. I am of the opinion that the said terms of settlement are beneficial to the Workman and hence consented for the same. Since the dispute under reference is settled between the parties, I hold that the dispute under present reference does not survive.

In view of the above, I proceed to pass the following order:

ORDER

1. It is held that the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of its workman, Shri Vishnu Halarnkar, Engine Driver, with effect from 24-03-2009, is legal and justified, does not survive.
2. The workman Shri Vishnu Halarnkar is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

Notification

No. 28/9/2017-LAB/Part-II/296

The following award passed by the Labour Court-II, at Panaji-Goa on 30-03-2017 in reference No. IT/31/12 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 2nd May, 2017.

THE LABOUR COURT-II
GOVERNMENT OF GOA

AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/31/12

Shri Ramarai Potekar,
H. No. 417/A, Penha de France,
Virlosa, P. O. Betim,
Bardez-Goa.

... Workman/Party-I

V/s

The General Manager,
M/s. Sesa Goa Ltd.,
River Fleet & Shipping Division,
Opp. Damodar Temple,
Swatantra Path,
Vasco-da-Gama-Goa.

... Employer/Party-II

Workman/Party-I represented by Adv. Shri R. Gauthankar.

Employer/Party-II represented by Adv. Shri M. S. Bhandodkar.

Panaji, dated: 30-03-2017.

AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 28-05-2012, bearing No. 28/10/2012-LAB/268, referred the following dispute for adjudication by Industrial Tribunal of Goa. The matter was thereafter transferred to this Labour Court II for its adjudication by the Appropriate Government, vide its order dated 09-02-2016.

"(1) Whether the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of its workman, Shri Ramrai Potekar, master, with effect from 24-03-2009, is legal and justified?

(2) If not, what relief, the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/31/2012 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party-I (for short "Workman"), filed his Statement of Claim on 13-08-2012 at Exb. 5. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party-II (for short

“Employer”) on 01-08-2004. He stated that he was confirmed in service of the Employer as ‘Barge Master’ on 01-11-2004. He stated that he was on duty on barge Helena in second shift from 16-03-2008 till 31-03-2008.

3. He stated that he was issued a vague charge-sheet dated 15-10-2008. He stated that there is no specific charge that he was instrumental in transferring the diesel to the canoe himself or at his instance his fellow colleagues transferred the diesel at dead of night. He stated that the canoe owner to whom the diesel was sold has not been examined at the enquiry for establishing the charge of theft against workers. He stated that the charges levelled against him are false. He submitted that the findings rendered by the Enquiry Officer are perverse. He submitted that the workmen were guilty of offences of theft i.e. stealing diesel, the Employer ought to have filed a police complaint against them, which the Employer has not filed, knowing fully well that they have no evidence to put them behind bars. He submitted that a letter dated 17-12-2008 addressed to the General Manager by Shri Sanil Ratnakar Gaonkar (Sailor) endorsing a copy to the Enquiry Officer has purposely been not produced by Management Representative since the contents of the said letter would damage their case. He submitted that the Enquiry Officer being biased, has relied upon the version of the management witnesses as gospel truth. He submitted that in spite of the demand for GPS (Global Position System) plan, it was not produced by Employer since there was no pilferage/theft of diesel on 19-03-2008. The Workman finally submitted that the statement of management witnesses produced by Management Representative were reduced into writing at his instance in Marathi and English language and witnesses were taken much after the alleged date of theft i.e. on 19-03-2008. The Workman therefore prayed that the action of the Employer in terminating his services be declared as illegal and he be reinstated in service with continuity in service and full back wages.

4. The Employer resisted the claim of the Workman, by filing its written statement on 07-01-2013 at Exb.6. The Employer, as and by way of preliminary objection, submitted that the entire reference is bad-in-law, not maintainable and ought to be rejected. The Employer submitted that since the Workman had committed a serious act of misconduct, the Employer conducted a fair and proper enquiry by following principles of natural justice as per its certified standing orders. The Employer submitted that since the charges of

misconduct found proved against the workman were grave and serious in nature, they dismissed him from their service. The Employer submitted that the punishment imposed upon the Workman is proportionate and commensurate to the proved charges. The Employer submitted that the said dismissal of services of the Workman is fully legal and justified and therefore no relief could be granted to the Workman and that this Hon’ble Tribunal should not interfere with the said disciplinary action of the Employer.

5. The Employer stated that it is a company established in the year 1954 and is in business of producing and exporting iron ore as well as barge operation. The Employer stated that the Workman was appointed by them as Second Class Master on probation w.e.f. 01-08-2004. The Employer submitted that the Workman was confirmed in service from 01-11-2004 as Barge Master. The Employer stated that the Workman was on duty in second shift on barge Helena along with other crew i.e. Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Sunil P. Naik from 16-03-2008 to 31-03-2008. The Employer stated that during second shift and trip No. 2246 on 19-03-2008, after discharging cargo at transhiper, the barge Helena proceeded towards Capxem/Savordem Bunder. The Employer stated that however, at around 2.30 p.m. on the way, the Workman stopped the said barge at Rassaim for some minor repairs and after carrying out repairs, the barge left Rassaim at about 7.15 p.m. The Employer stated that at around 8.00 p.m., when the barge crossed the Borim bridge, the power steering of the barge failed. The Employer stated that therefore Mr. Sunil P. Naik, driver reported this fact to Mr. Rajesh Kosambe on phone and thereafter the barge was anchored near Borim bridge. The Employer stated that as instructed by Mr. Kosambe on phone, the barge Helena sailed from anchor point at about 11.45 p.m. on hand steering and reached at Capxem Bunder on 20-03-2008 at around 2.00 a.m. The Employer stated that after loading on 28-03-2008, at around 11.20 a.m., the barge Helena sailed to Mormugao harbor. The Employer stated that unloading completed at Mormugao harbor on 21-03-2008 at 3.00 a.m. The Employer stated that during trip No. 2246 in second shift, on 19-03-2008 on his way to Capxem/Savardem Bundar, when the barge Helena sailed from anchor point and reached at Mankem, there was a torch signal from one canoe and this was responded with search light by Mr. Premanand Gaonkar, Sukani. The Employer stated that upon this response, the canoe came alongside the barge. The Employer stated that thereafter the Workman along with other crew

i.e. Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Sunil P. Naik went down from wheel house and transferred company's diesel from the barge Helena to the canoe through pipe. The Employer submitted that thus it is clear that the Workman had stolen and dishonestly taken away diesel from the barge Helena and disposed off the same in association with other crew i.e. Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Sunil P. Naik, causing loss of the goods, property of the company. The Employer stated that since the entire acts on the part of the Workman was found to be serious acts of misconduct as per its certified standing orders, he was issued a charge-sheet dated 15-10-2008, giving details of acts of Workman and since his behaviour was detrimental to the smooth functioning of the establishment, he was suspended pending enquiry w.e.f. 15-10-2008.

6. The Employer stated that the Workman submitted his reply to the charge-sheet, vide his reply dated 17-10-2008. The Employer stated that the since the reply submitted by the Workman was not found to be satisfactory, a joint enquiry was conducted against him along with Shri Vishnu Halankar, Shri Premanand J. Gaonkar and Shri Sunil P. Naik in respect of charge-sheet dated 15-10-2008. The Employer submitted that it has conducted an enquiry in a fair and proper manner by following the principles of natural justice. The Employer stated that during the course of enquiry, the Workman fully participated in the enquiry. The Employer stated that the Workman was represented by Mr. Mahesh Nagvekar. The Employer submitted that after completion of the enquiry, the Enquiry Officer submitted his findings, by which the Workman was held guilty of all the charges levelled against him. The Employer submitted that the findings of the Enquiry Officer are based on evidence on record. The Employer submitted that in any event if this Hon'ble Court comes to the conclusion that the enquiry was not conducted properly or in a fair and proper manner, or that the findings are perverse and/or is not based on evidence on record, than they craves leave to adduce additional evidence to justify its case. The Employer submitted that the disciplinary authority after going through the enquiry proceedings and its connected papers and evidence on record, has concurred with the findings of the Enquiry Officer and a show-cause notice dated 04-03-2009 was issued to the Workman along with copy of finding. The Employer stated that on 13-03-2009, the Workman filed his explanation to the show cause notice issued to him. The Employer stated that the management after going through the said

explanation/reply found it far from satisfactory. The Employer stated that all the submissions made by the Workman in the said reply were specifically dealt with as they were totally false, baseless and mischievous. The Employer stated that considering the seriousness and gravity of misconducts found proved against the Workman, they came to a bonafide conclusion that no leniency was warranted. The Employer submitted that the Workman was therefore discharged by order dated 24-03-2009 by way of punishment. The Employer submitted that the acts of misconduct committed by the Workman are grave and serious in nature and the punishment imposed upon him is appropriate and commensurate with the acts of misconduct committed by the Workman. The Employer therefore submitted that the dismissal from service of the Workman is just and fair and this Hon'ble Court should not interfere with the said administrative decision. The Employer denied the overall case of the Workman as pleaded by him and prayed that the entire reference be dismissed in limine.

7. Thereafter, the Workman filed his Rejoinder on 11-02-2013 at Exhibit-8. The Workman, by way of his Re-joinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in its Written Statement, which are contrary to the statements and averments made by him.

8. Based on the pleadings filed by the respective Parties, the Hon'ble Industrial Tribunal-cum-Labour Court has framed the following issues at Exb.-11.

1. Whether the Party-I proves that the domestic enquiry conducted against him by Party- II, is not fair and proper?
2. Whether the charges of misconduct leveled against the Party I are proved to the satisfaction of this Tribunal by acceptable evidence?
3. Whether the Party-I proves that the termination of his services by Party II w.e.f. 24-03-2009 is illegal and unjustified?
4. Whether the Party-I is entitled for any relief?
5. What award?

9. Thereafter, the case was fixed for the evidence of the Workman. The Workman has filed his affidavit in evidence and also produced on record certain documents. He was cross-examined by the Ld. Adv. Shri M. S. Bhandodkar appearing for the Employer.

On 26-09-2016, Ld. Advocates appearing for the respective parties remained present and orally submitted that the matter is likely to settle amicably between the parties and sought time to file the terms of settlement. Accordingly on 23-03-2017, the Workman along with his Adv. Shri R. Gauthankar as well as Ld. Adv. Shri M. S. Bandodkar appearing for the Employer remained present and filed a joint application for consent award in terms of settlement of the dispute, which is on record at Exh-29.

I have carefully perused the said application for consent award, jointly filed by the parties. I am of the opinion that the said terms of settlement are beneficial to the Workman and hence consented for the same. Since the dispute under reference is settled between the parties, I hold that the dispute under present reference does not survive.

In view of the above, I proceed to pass the following order:

ORDER

1. It is held that the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of its workman, Shri Ramrai Potekar, master, with effect from 24-03-2009, is legal and justified, does not survive.
2. The workman Shri Ramrai Potekar is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

Notification

No. 28/9/2017-LAB/Part-II/297

The following award passed by the Labour Court-II, at Panaji-Goa on 30-03-2017 in reference No. IT/30/12 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Georgina Saldanha, Under Secretary (Labour).

Porvorim, 2nd May, 2017.

THE LABOUR COURT-II GOVERNMENT OF GOA AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/30/12

Shri Premanand J. Gaonkar,
r/o. H. No. 77, Haturlim,
Bicholim, Goa. ... Workman/Party-I

V/s

The General Manager,
M/s. Sesa Goa Ltd.,
River Fleet & Shipping Division,
Opp. Damodar Temple,
Swatantra Path,
Vasco-da-Gama-Goa. Employer/Party-II

Workman/Party-I represented by Adv. Shri R. Gauthankar.

Employer/Party-II represented by Adv. Shri M. S. Bandodkar.

Panaji, dated: 30-03-2017.

AWARD

1. In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 28-05-2012, bearing No. 28/09/2012-LAB/211, referred the following dispute for adjudication by Industrial Tribunal of Goa. The matter was thereafter transferred to this Labour Court II for its adjudication by the Appropriate Government, vide its order dated 09-02-2016.

“(1) Whether the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of its workman, Shri Premanand J. Gaonkar, Sukani, with effect from 24-03-2009, is legal and justified?

(2) If not, what relief, the workman is entitled to?”

2. On receipt of the reference, a case was registered under No. IT/30/2012 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party-I (for short “Workman”), filed his Statement of Claim on 13-08-2012 at Exb. 6. The facts of the case in brief as pleaded by the Workman are that he was employed with the Employer/Party-II (for short

"Employer") on 01-01-1999. He stated that he was confirmed in service of the Employer as 'Barge Sailor' on 01-04-1999. He stated that he was on duty on barge Helena in second shift from 16-03-2008 till 31-03-2008. He stated that during the trip No. 2246 in second shift on 19-03-2008, barge Helena sailed from anchor point at 11.45 p.m. on hand steering and reached Capxem Bunder on 20-03-2008 at about 2.00 a.m. He stated that the barge Helena did not stop on the way, after leaving anchor point at 11.45 p.m., hence, question of transferring diesel from barge to canoe at Mandkem, does not arise.

3. He stated that he was issued a vague charge-sheet dated 15-10-2008. He stated that there is no specific charge that he was instrumental in transferring the diesel to the canoe himself or at his instance his fellow colleagues transferred the diesel at dead of night. He stated that the canoe owner to whom the diesel was sold has not been examined at the enquiry for establishing the charge of theft against workers. He stated that the charges levelled against him are false. He submitted that the findings rendered by the Enquiry Officer are perverse. He submitted that the Enquiry Officer has not given any reason in his finding for preferring the management evidence. He submitted that the workmen were guilty of offences of theft i.e. stealing diesel, the Employer ought to have filed a police complaint against them, which the Employer has not filed, knowing fully well that they have no evidence to put them behind bars. He submitted that a letter dated 17-12-2008 addressed to the General Manager by Shri Sanil Ratnakar Gaonkar (Sailor) endorsing a copy to the Enquiry Officer has purposely been not produced by Management Representative, since the contents of the said letter would damage their case. He submitted that the Enquiry Officer being biased, has relied upon the version of the management witnesses as gospel truth. He submitted that in spite of the demand for GPS (Global Position System) plan, it was not produced by Employer since there was no pilferage/theft of diesel on 19-03-2008. The Workman finally submitted that the statement of management witnesses produced by Management Representative were reduced into writing at his instance in Marathi and English language and witnesses were taken much after the alleged date of theft i.e. on 19-03-2008. The Workman therefore prayed that the action of the Employer in terminating his services be declared as illegal and he be reinstated in service with continuity in service and full back wages.

4. The Employer resisted the claim of the Workman, by filing its written statement on 07-01-2013 at Exb.7. The Employer, as and by way of preliminary objection, submitted that the entire reference is bad-in-law, not maintainable and ought to be rejected. The Employer submitted that since the Workman had committed a serious act of misconduct, the Employer conducted a fair and proper enquiry by following principles of natural justice as per its certified standing orders. The Employer submitted that since the charges of misconduct found proved against the workman were grave and serious in nature, they dismissed him from their service. The Employer submitted that the punishment imposed upon the Workman is proportionate and commensurate to the proved charges. The Employer submitted that the said dismissal of services of the Workman is fully legal and justified and therefore no relief could be granted to the Workman and that this Hon'ble Tribunal should not interfere with the said disciplinary action of the Employer.

5. The Employer stated that it is a company established in the year 1954 and is in business of producing and exporting iron ore as well as barge operation. The Employer admitted that the Workman was appointed by them as Launch Sailor (Grade B 4) on probation w.e.f. 01-01-1999. The Employer admitted that the Workman was confirmed in service from 01-04-1999 as Launch Sailor. The Employer stated that he was transferred w.e.f. 01-09-1999 as 'Barge Sailor'. The Employer admitted that the Workman was on duty in second shift on barge Helena along with other crew i.e. Shri Vishnu Halankar, Shri Sunil Naik and Shri Ramrai Potekar from 16-03-2008 to 31-03-2008. The Employer stated that during second shift and trip No. 2246 on 19-03-2008, after discharging cargo at transhiper, the barge Helena proceeded towards Capxem/Savordem Bunder. The Employer stated that however, at around 2.30 p.m. on the way, the Workman stopped the said barge at Rassaim for some minor repairs and after carrying out repairs, the barge left Rassaim at about 7.15 p.m. The Employer stated that at around 8.00 p.m., when the barge crossed the Borim bridge, the power steering of the barge failed. The Employer stated that therefore Shri Sunil Naik reported this fact to Mr. Rajesh Kosambe on phone and thereafter the barge was anchored near Borim bridge. The Employer stated that as instructed by Mr. Kosambe on phone, the barge Helena sailed from anchor point at about 11.45 p.m. on hand steering and reached at Capxem bunder on 20-03-2008 at around 2.00 a.m. The Employer stated that after loading on

28-03-2008, at around 11.20 a.m., the barge Helena sailed to Mormugao harbor. The Employer stated that unloading completed at Mormugao harbor on 21-03-2008 at 3.00 a.m. The Employer stated that during trip No. 2246 in second shift, on 19-03-2008 on his way to Capxem/Savardem bundar, when the barge Helena sailed from anchor point and reached at Mankem, there was a torch signal from one canoe and this was responded with search light by the Workman. The Employer stated that upon this response, the canoe came alongside the barge. The Employer stated that thereafter the Workman along with other crew i.e. Shri Vishnu Halankar, Shri Sunil Naik and Shri Ramrai Potekar went down from wheel house and transferred company's diesel from the barge Helena to the canoe through pipe. The Employer submitted that thus it is clear that the Workman had stolen and dishonestly taken away diesel from the barge Helena and disposed off the same in association with other crew i.e. Shri Vishnu Halankar, Shri Sunil Naik and Shri Ramrai Potekar, causing loss of the goods, property of the company. The Employer stated that since the entire acts on the part of the Workman was found to be serious acts of misconduct as per its certified standing orders, he was issued a charge-sheet dated 15-10-2008, giving details of acts of Workman and since his behaviour was detrimental to the smooth functioning of the establishment, he was suspended pending enquiry w.e.f. 15-10-2008.

6. The Employer stated that the Workman submitted his reply to the charge-sheet, vide his reply dated 17-10-2012. The Employer stated that the since the reply submitted by the Workman was not found to be satisfactory, a joint enquiry was conducted against him along with Shri Vishnu Halankar, Shri Sunil Naik and Shri Ramrai Potekar in respect of charge-sheet dated 15-10-2008. The Employer submitted that it has conducted an enquiry in a fair and proper manner by following the principles of natural justice. The Employer stated that during the course of enquiry, the Workman fully participated in the enquiry. The Employer stated that the Workman was represented by Mr. Mahesh Nagvekar. The Employer submitted that after completion of the enquiry, the Enquiry Officer submitted his findings, by which the Workman was held guilty of all the charges levelled against him. The Employer submitted that the findings of the Enquiry Officer are based on evidence on record. The Employer submitted that in any event if this Hon'ble Court comes to the conclusion that the enquiry was not conducted properly or in a fair and proper manner, or that the findings are perverse and/or is not based on

evidence on record, than they craves leave to adduce additional evidence to justify its case. The Employer submitted that the disciplinary authority after going through the enquiry proceedings and its connected papers and evidence on record, has concurred with the findings of the Enquiry Officer and a show-cause notice dated 04-03-2009 was issued to the Workman along with copy of finding. The Employer stated that on 12-03-2009, the Workman filed his explanation to the show cause notice issued to him. The Employer stated that the management after going through the said explanation/reply found it far from satisfactory. The Employer stated that all the submissions made by the Workman in the said reply were specifically dealt with as they were totally false, baseless and mischievous. The Employer stated that considering the seriousness and gravity of misconducts found proved against the Workman, they came to a bonafide conclusion that no leniency was warranted. The Employer submitted that the Workman was therefore discharged by order dated 24/03/2009, by way of punishment. The Employer submitted that the acts of misconduct committed by the Workman are grave and serious in nature and the punishment imposed upon him is appropriate and commensurate with the acts of misconduct committed by the Workman. The Employer therefore submitted that the dismissal from service of the Workman is just and fair and this Hon'ble Court should not interfere with the said administrative decision. The Employer denied the overall case of the Workman as pleaded by him and prayed that the entire reference be dismissed in limine.

7. Thereafter, the Workman filed his Rejoinder on 11-02-2013 at Exb-9. The Workman, by way of his Re-joinder, confirms and reiterates all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in its Written Statement, which are contrary to the statements and averments made by him.

8. Based on the pleadings filed by the respective Parties, the Hon'ble Industrial Tribunal-cum-Labour Court has framed the following issues at Exb.-12.

1. Whether the Party-I proves that the domestic enquiry conducted against him by Party-II, is not fair and proper?
2. Whether the charges of misconduct leveled against the Party I are proved to the satisfaction of this Tribunal by acceptable evidence?

3. Whether the Party-I proves that the termination of his services by Party II w.e.f. 24-03-2009 is illegal and unjustified?
4. Whether the Party-I is entitled for any relief?
5. What award?

Thereafter, the case was fixed for the evidence of the Workman. The Workman has filed his affidavit in evidence and also produced on record certain documents. He was cross-examined by the Ld. Adv. Shri M. S. Bandodkar appearing for the Employer. On 26-09-2016, Ld. Advocates appearing for the respective parties remained present and orally submitted that the matter is likely to settle amicably between the parties and sought time to file the terms of settlement. Accordingly on 23-03-2017, the Workman along with his Adv. Shri R. Gauthankar as well as Ld. Adv. Shri M. S. Bandodkar appearing for the Employer remained present and filed a joint application for consent award in terms of settlement of the dispute, which is on record at Exh-16.

I have carefully perused the said application for consent award, jointly filed by the parties. I am of the opinion that the said terms of settlement are

beneficial to the Workman and hence consented for the same. Since the dispute under reference is settled between the parties, I hold that the dispute under present reference does not survive.

In view of the above, I proceed to pass the following order:

ORDER

1. It is held that the action of the Management of M/s. Sesa Goa Limited, River Fleet and Shipping Division, Vasco-da-Gama, Goa, in terminating the services of its workman, Shri Premanand J. Gaonkar, Sukani, with effect from 24-03-2009, is legal and justified, does not survive.
2. The workman Shri Premanand J. Gaonkar is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

Department of Law & Judiciary

Law (Establishment) Division

Order

No. 2/65/2016-LD(Estt)/566

The Government of Goa is pleased to order the transfer and posting of the following Civil Registrar-cum-Sub-Registrar, Group 'B', Gazetted Officers of Registration Department, Panaji with immediate effect and in public interest:-

Sr. No.	Name of Civil Registrar-cum-Sub-Registrar	Office to which attached	Transferred to	Remark
1	2	3	4	5
1.	Smt. Freeda B. J. Gomes	Jt. Civil Registrar-cum-Sub-Registrar, Ponda	Jt. Civil Registrar-cum-Sub-Registrar, office of District Registrar (South), Margao	—
2.	Shri Gouresh G. Bugde	Jt. Civil Registrar-cum-Sub-Registrar, office of District Registrar (South), Margao	Jt. Civil Registrar-cum-Sub-Registrar, office of District Registrar (North), Panaji	—
3.	Smt. Urmia U. Tari	Jt. Civil Registrar-cum-Sub-Registrar, office of District Registrar (North), Panaji	Jt. Civil Registrar-cum-Sub-Registrar, Bardez	—

1	2	3	4	5
4.	Shri Chandrakant M. Waradkar	Jt. Civil Registrar-cum-Sub-Registrar, Bardez	Civil Registrar-cum-Sub-Registrar, Pernem	Presently holding charge of office of Civil Registrar-cum-Sub-Registrar, Pernem in addition to his duties during CCL of Smt. Soniya S. Halamkar.
5.	Smt. Jyoti K. Nayak	Newly promoted & awaiting posting	Jt. Civil Registrar-cum-Sub-Registrar, Ponda	—

The above officers shall complete the process of handling over/taking over of charge with immediate effect and submit compliance.

By order and in the name of the Governor of Goa.

Trupti B. Manerkar, Under Secretary (Estt.).

Porvorim, 28th April, 2017.

High Court of Bombay at Goa, Panaji

Order

No. HCB/GOA/PF/PMS/2017

The Honourable Senior Judge is pleased to grant the following Officer leave for the period mentioned against his name:-

Name & designation	Period of leave
Shri P. M. Shinde, Deputy Registrar, High Court of Bombay at Goa, Panaji	Ex post facto extension of Earned Leave for 8 days w.e.f. 22-4-2017 to 29-4-2017 with permission to suffix 30-4-2017 and 1-5-2017 being Sunday and Maharashtra Day Holiday respectively.

Certified that but for leave the Officer would have continued to officiate in the post had he not proceeded on leave during the above period.

S. C. Chandak, Registrar (ADM.).

Panaji, 3rd May, 2017.

Department of Personnel

Order

No. 15/1/99-PER(Part) COSanguem/Pernem

On the recommendations of Goa Services Board and with the approval of the Government, Shri Anil Rane Sardesai, Joint Mamlatdar-IV, Bardez shall hold additional charge of the post of Chief

Officer, Sanquelim Municipal Council, in addition to his own duties and until further orders, thereby relieving Shri Jeetendra Bugde, Joint Mamlatdar-III, Bicholim of additional charge.

The officers shall complete the process of handing over/taking over within three days from the date of issue of order and submit compliance.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-II)

Porvorim, 3rd May, 2017.

Order

No. 5/2/2017-PER

On the recommendations of Goa Services Board and with the approval of the Government, the following Junior Scale Officers of Goa Civil Service are transferred and posted with immediate effect, in public interest:-

S/N	Name of the officer and designation	Posted as
1	2	3
1.	Shri Sagun Velip, Chief Officer, Curchorem Cacora Municipal Council	Chief Officer, Quepem Municipal Council, thereby relieving Shri Pramod Desai of addl. charge.
2.	Shri Gurudas Desai, awaiting posting	Deputy Collector (Revenue), North thereby relieving Shri Glen Madeira of additional charge.

Shri Pramod Desai, Chief Officer, Sanguem Municipal Council shall hold additional charge of the post of Chief Officer, Curchorem Cacora Municipal Council and Member Secretary, Ravindra Bhavan, Curchorem, in addition to his own duties, until further orders.

The appointment of Shri Sagun Velip, shall be governed by the standard terms of deputation as contained in Office Memorandum No. 13/4/74-PER dated 20-11-2013 and as amended.

All the above officers shall complete the process of handing over/taking over within three days from the date of issue of order and submit compliance.

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-II)
Porvorim, 3rd May, 2017.

Department of Public Health

Order

No. 7/4/91-I/PHD(Part)/678

- Read: 1) Order No. 7/4/91-I/PHD dated 28-12-2012.
2) Order No. 7/4/91-I/PHD dated 16-04-2014.
3) Order No. 7/4/91-I/PHD (Part-I) dated 27-02-2015.
4) Order No. 7/4/91-I/PHD (Part-I) dated 10-03-2016.

On the recommendation of Goa Public Service Commission as conveyed vide their letter No. COM/II/11/56(1)/2015/1905 dated 31-03-2017, the ad hoc promotion of Smt. Nilima V. Mishal, Senior Scientific Officer (Drugs) under the Directorate of Food and Drugs Administration, Bambolim is extended for the interim period from 01-07-2016 to 23-08-2016.

By order and in the name of the Governor of Goa.

Maria Seomara De Souza, Under Secretary (Health-II).

Porvorim, 26th April, 2017.

Department of Tribal Welfare

Directorate of Tribal Welfare

Order

No. 1-114-2017-18/ADMN/DTW/1144

In exercise of the powers conferred by Section 3 read with Section 6 (3) of the Goa Commission for

Scheduled Caste and Scheduled Tribes Act, 2010 (Goa Act 9 of 2010), the Government of Goa is pleased to appoint Shri Prakash Shankar Velip, as Chairperson of the Goa Commission for Scheduled Caste and Scheduled Tribes with immediate effect.

The Chairperson shall unless otherwise disqualified, hold office for a term of three years from the date he assumes office or until he attains the age of sixty-five years, whichever is earlier.

By order and in the name of the Governor of Goa.

S. V. Naik, Director & ex officio Joint Secretary (Tribal Welfare).

Panaji, 4th April, 2017.

Department of Urban Development

Directorate of Municipal Administration

Notification

No. 10/671/2015-DMA/258

Urbanization is set as a national priority by Government of India to provide basic services like water supply, sewerage and urban transport to households. Every Urban Local Body (ULB) is responsible to provide these basic amenities and to achieve the national goal. However, ULBs are constrained with funds and are also hindered by long and cumbersome procedures to get access to capital market. As there is currently no institutional structure to cater to funding urban infrastructure projects, Government of Goa has decided to designate EDC Limited as State Level Financial Intermediary (SLFI).

The key functions and responsibilities of the SLFI shall be as follows:

- Fund urban infrastructure development project including AMRUT that improve living standards of the urban population.
- Enter into Joint Ventures and/or Public Private Partnerships and facilitate private sector participation in infrastructure development.
- Operate a complementary window of Viability Gap Fund to assist in addressing of the cities with weak financial health.
- Mobilise market based funds for ULBs to finance Urban Infrastructure.

The SLFI shall also create an Urban Infrastructure Development Fund as a "Trust" and a project development company which also acts as Assets Management Company to the "Trust".

EDC Limited will liaise with Mission Director AMRUT and MD & CEO, Imagine Panaji Smart City Development Limited for further needful action.

By order and in the name of the Governor of Goa.

J. Ashok Kumar, IAS, Director & ex officio Addl. Secretary (Municipal Administration/Urban Development).

Panaji, 2nd May, 2017.

Notification

No. 1/7/UDD/2003/282

In exercise of the powers conferred by Clause 6 of the Rule and Regulations of the Goa State Urban Development Agency, the Government of Goa hereby re-constitutes the General Body of the Goa State Urban Development Agency, as under:-

General Body

- | | |
|--|------------------|
| 1) Hon'ble Minister for Urban Development | — Chairman. |
| 2) Shri Sandip Falari | — Vice Chairman. |
| 3) Secretary (Urban Development) | — Member. |
| 4) Joint Secretary (Finance) | — Member. |
| 5) Director, Planning, Statistics & Evaluation | — Member. |
| 6) The Principal Chief Engineer (PWD) | — Member. |
| 7) The Chief Town Planner (CTP) | — Member. |
| 8) Managing Director (GSIDC) | — Member. |
| 9) The Chief Project Officer (GSUDA) | — Member. |

- 10) Director of Municipal Administration/Urban Development — Member Secretary.

This issues in supersession of this Department Notification No. 1/7/UDD/2003/367 dated 7th May, 2013.

By order and in the name of the Governor of Goa.

J. Ashok Kumar, IAS, Director & ex officio Addl. Secretary (Urban Development).

Panaji, 4th May, 2017.

Department of Water Resources

Office of the Chief Engineer

Notification

No. 4/4/EO-WRD/2017-18/78

Read: Notification No. 19-2/CE-IRRG/EO/435 dated 24-02-2000, published in the Official Gazette, Series II No. 49 dated 02-03-2000.

In pursuance of Clause (a) of sub-section (1) of Section 4 of the Goa Tillari Irrigation Development Corporation Act, 1999 (Goa Act 6 of 1999) and in supersession of the Government Notification No. 4/4/EO-WRD/2014-15/507 dated 17-09-2014, the Government of Goa is pleased to appoint Dr. Ranbir Singh, IAS, Secretary (Water Resources), Government of Goa, as the Chairman of the Goa Tillari Irrigation Development Corporation, with immediate effect.

By order and in the name of the Governor of Goa.

P. J. Kamat, Chief Engineer & ex officio Additional Secretary (WRD).

Porvorim, 4th May, 2017.

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